

From: [Andrew Deffobis](#)
To: [Polly Stoker](#)
Subject: FW: Shoreline Master Plan
Date: Wednesday, July 15, 2020 3:10:50 PM

Hello Polly,

The following written comment has been submitted, and the commenter would like it forwarded to the Planning Commission. I will include it in the SMP record. Is it too late to provide to PC for this meeting?

Andrew Deffobis, Associate Planner
Thurston County Community Planning and Economic Development Department
2000 Lakeridge Drive SW
Olympia, WA 98502
Phone: (360) 786-5467
Fax: (360) 754-2939

From: Esther Grace Kronenberg <wekrone@gmail.com>
Sent: Wednesday, July 15, 2020 12:31 PM
To: Andrew Deffobis <andrew.deffobis@co.thurston.wa.us>
Subject: Shoreline Master Plan

Dear Mr. Deffobis,

Please share these comments with the Planning Commission and include them in the public comments on the Shoreline Master Plan.

Dear Planning Commission,

I write as a private citizen who also is a member of the League of Women Voters of Thurston County's Water Study Team regarding the Shoreline Master Plan update.

The Water Study Team has learned that Thurston County faces serious issues around water quality. There is ample evidence of increasing degradation of our waters from Thurston County's own Water Resources and Environmental Health Departments, LOTT and other non-profits engaged in this work. In addition, climate change is already leading to rising sea levels around the country. In light of the increasing development pressures in our County and the current fragile state of our water resources, it is imperative that the Planning Commission act with foresight and determination to safeguard our water resources as its highest priority when considering the Shoreline Master Plan.

Among the suggestions made by Futurewise and the South Sound Sierra Club, I support the following measures to protect the water quality of our area.

- adoption of a "net gain" standard to quantify data
- maintenance of current marine buffers and an increase for new developments, especially important given current and projected sea level rise
- phasing out the use of aquaculture plastics to prevent further degradation of water quality and protection of sealife from microplastic pollution
- prohibiting destructive industry practices, such as the use of heavy equipment on fragile beaches and the spraying of herbicides and pesticides
- limiting armoring of docks and bulkheads, which can be done by requiring community rather than individual docks, especially important for the survival of our threatened orca population.

We are in the 21st century at a time where the common good needs to be protected over calls for individual property rights. We can no longer afford to continue on a path that values one person's "right" over the community and the ecosystem's sustainability lest we all suffer in the long run. A pragmatic policy that benefits the greater community and the generations to come is more important now than ever before as we face multiple crises that will challenge our ability to come together as a community for the greater good.

I urge you to weigh the health of our shared environment which we all rely on for material sustenance, economic prosperity, and recreational uses as the primary consideration in any changes to the Shoreline Master Plan.

Thank you.

Sincerely,
Esther Kronenberg

From: [Thurston County | Send Email](#)
To: [PlanningCommission](#)
Subject: Prohibit RAP in Nisqually Valley
Date: Tuesday, July 14, 2020 9:42:24 PM

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: **Planning Commission**

Subject:

From: **Phyllis Farrell**

Email (if provided): phyllisfarrell681@hotmail.com

Phone: (if provided): **13607898307**

Message:

Greetings Commissioners,

The South Sound Sierra Club Group, representing over 1400 members and supporters in Thurston County, objects to the proposal by Lakeside Industries to remove the prohibition on the manufacture of recycled asphalt in the Nisqually valley being considered in the Nisqually Subarea Plan review.

The goal of the 1992 Nisqually Sub-Area Plan was to "Maintain the existing rural environment of the Nisqually planning area with the primary emphasis on preserving its rural, aesthetic character for future generations." There was a no-Rap provision of Policy E.5 which states "the reprocessing of asphalt shall not be allowed due to water quality concerns."

There have been previous attempts to amend or revoke the prohibition, but they have failed for good reasons. The Nisqually subarea includes critical aquifer recharge areas (CARAs) and the McAllister Geologically Sensitive Area, which is a CARA. By definition, CARAs are vulnerable to contamination.

Thurston County successfully litigated this provision against Lakeside Industries in 2004. <https://caselaw.findlaw.com/wa-court-of-appeals/1389372.html> The court noted:

"The proposed asphalt facility would be approximately two miles upwind and upriver from the Nisqually National Wildlife Refuge, home to numerous wildlife species and endangered salmon. The groundwater around the mine site is between four and fifteen feet below the extremely porous surface. The site is also located in the County's aquifer protection district. The County has spent approximately \$2.4 million to purchase development rights in the immediate area adjacent to the proposed facility to prevent environmental damage."

The site area is close to the Nisqually River, in a 100 year floodplain and close to drinking water sources. Recycled asphalt could potentially leach harmful chemicals threatening water quality and Nisqually River fish stocks. Increased truck traffic would impair the rural character of the area.

To my knowledge there has not been a SEPA determination of this proposal. I understand Lakeside Industries paid for an environmental study, but WAC 197-11-055 states: "the SEPA process shall be integrated with agency activities at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to seek to resolve potential problems." The Planning Commission should have this information before making any recommendations.

The South Sound Sierra Club Group opposes the removal of the prohibition of the manufacture of recycled asphalt from the Sub Area 5 section of the Comprehensive Plan due to environmental concerns.

Respectfully,

Phyllis Farrell, Chair
South Sound Sierra Club Group

Cc: Maya Teeple

From: [Karen Tvedt](#)
To: [Maya Teeple](#)
Subject: LWVTC-Comments on CP-11 Recycled Asphalt Policy
Date: Wednesday, July 15, 2020 2:29:27 PM
Attachments: [image.png](#)



Thurston County Planning Commission

Re: Concerns re Comprehensive plan Docket Item CP-11

Dear Commissioners:

The League of Women Voters of Thurston County (LWVTC) is a nonpartisan organization that does not support or oppose any candidate or party. That being said, LWVTC does take positions on issues. LWVTC promotes a healthy and clean environment and sound land use planning.

The LWVTC has concerns about Lakeside Industries' request that Thurston County amend the Nisqually Subarea plan to allow recycling of asphalt pavement (RAP) in mined-out gravel pits. Sound land use planning is planning for the long term. The current plan protects this valuable subarea. If a change is made to a plan, there should be some kind of change in circumstances triggering the need for such a change. As far as we can tell, there has been no change in circumstances regarding this issue. Making a change to an established plan simply because it has been requested is not sound land use planning.

The Applicant's proposal, even if warranted at some places in the Nisqually Subarea, is far too broad and opens up the entire area to RAP uses. A mined-out gravel pit is likely one of the worst sites to place such an activity, since RAP releases a number of harmful chemicals. As the Court of Appeals noted in its 2004 decision, on this very proposal, the soils on the site are very "porous." The Court decision describes the site as approximately two miles upriver from the Nisqually National Wildlife Refuge, home to numerous wildlife species and endangered salmon.

Moreover, the Nisqually subarea includes critical aquifer recharge areas (CARAs) and the McAllister Geologically Sensitive Area, which is a CARA. By definition, CARAs are vulnerable to contamination. We believe the science behind protecting CARAs supports no change in the current plan.

Finally, the County has elected to do a SEPA analysis on proposed changes to the comprehensive plan after the planning commission review. We believe SEPA analysis should be done at the earliest opportunity, and certainly before the planning commission makes its recommendation. The planning commission should know what the environmental repercussions may be while considering this request.

Thank you for considering our comments. Let us know if you have any questions.

Sincerely,

Karen Tvedt, President
League of Women Voters of Thurston County
tvedtkl@msn.com
360-584-4526

July 15, 2020

Ms. Maya Teeple
Thurston County Community Planning & Economic Development
2000 Lakeridge Drive SW
Olympia, WA 98502
(via email maya.teeple@co.thurston.wa.us)



RE: Docket Item CP-11

Ms. Teeple:

The National Asphalt Pavement Association (“NAPA”) urges approval of Thurston County’s 2020-2021 Comprehensive Plan Docket Item CP-11, Recycled Asphalt Policy Amendment. This amendment would allow for asphalt recycling in the Nisqually Subarea.

The stockpiling and processing of reclaimed asphalt pavement (“RAP”) is vital to our nation’s infrastructure needs. Across the country, as part of everyday maintenance, repair, and construction activity, old asphalt pavement material is removed from roads and parking lots and then reclaimed for future use. Nationwide, more than 99% of RAP collected is put back to use in new asphalt pavements, saving more than 48 million cubic yards of landfill space annually, reducing the cost of new asphalt pavement mixtures, and minimizing life-cycle greenhouse gas emissions associated with pavement manufacturing.

A year ago, NAPA sent a comment letter to Thurston County regarding your consultant’s review of RAP leachate potential. At that time, we expressed significant concerns about the validity of that review. In the interim, we have contracted with a nationally-recognized university that is conducting a more thorough review of existing information; their preliminary results are quite different than what your consultant identified. Information from the current study is slated to be published in a peer-reviewed journal. In short, the university’s preliminary findings are similar to the vast majority of existing peer-reviewed literature, indicating the stockpiling of RAP creates no undue environmental burden nor poses environmental risk or hazard.

Because use of RAP is now ubiquitous due to its benefits, many state transportation and environmental agencies have thoroughly investigated the environmental implications of RAP stockpiles. These agency investigations, along with the majority of independent academic research studies, have not found reason for concern from the storage of, and stormwater runoff from, RAP stockpiles. Across the U.S., we know of no other agency, county, or municipality that restricts the stockpiling of RAP. All recognize the material as environmentally safe.

For these reasons, we ask that Thurston County amend the Nisqually Subarea Plan to allow for asphalt recycling within the subarea. We are more than happy to share the breadth of published research on this issue.

Best Regards,

A handwritten signature in black ink, appearing to read "H. Marks", is written over a light blue horizontal line.

Howard Marks, PhD
Vice President – Environment, Health & Safety

NAPA is a 501(c)(6) trade association representing asphalt pavement material producers and paving contractors at the national level. Last year, the approximately 3,500 asphalt plants across the country produced more than 350 million tons of asphalt pavement mixture and employed some 250,000 individuals in the production and placement of asphalt-based pavements. The continued use of RAP in asphalt pavements is critical to ensure the nation’s paved roadway surfaces are economically constructed and smooth, safe, and quiet for the travelling public.

Maya Teeple

From: Howard Glastetter <howard.glastetter@comcast.net>
Sent: Wednesday, July 15, 2020 11:48 AM
To: Maya Teeple
Cc: phyllisfarrell681@hotmail.com
Subject: Memorandum to Recycled Asphalt Policy Amendment

Maya,

I have a comment on the “Applicant Request” paragraph of the above document written for tonight’s meeting. One sentence reads: “The proposed amendment would allow the recycling of asphalt pavement to occur as an accessory use within the mined-out portion of gravel pits within the Nisqually Subarea”.

I believe the term “accessory use” is currently incorrect and should be changed to “permitted use”. When I was on the Asphalt Advisory Task Force in 2007 – 8, we recommended changing the term “accessory use” to “permitted use” in relation to allowing asphalt plants in gravel mines. This would require an Environmental Impact Statement to bring in a plant. The term “accessory use” implies a legal right (e.g. an accessory use to a police uniform is a holster containing a loaded pistol). Prior County Codes described an asphalt plant as an accessory use to a gravel mine. This was the legal technicality that allowed Lakeside build their asphalt plant into the valley in the first place.

I believe, this request should be subject to the latest “permitted use” County Rules, since it is a new request under the updated rules.

-Howard

Howard H Glastetter
Howard.glastetter@comcast.net
Cell (360)556-1574

Everything should be as simple as it can be, but no simpler.
Albert Einstein



July 14, 2020

Thurston County Planning Commission
2000 Lakeridge Dr. SW
Olympia, WA 98502

Re: Recycled Asphalt in Nisqually Valley

Greetings Commissioners,

The South Sound Sierra Club Group, representing over 1400 members and supporters in Thurston County, objects to the proposal by Lakeside Industries to remove the prohibition on the manufacture of recycled asphalt in the Nisqually valley being considered in the Nisqually Subarea Plan review.

The goal of the 1992 Nisqually Sub-Area Plan was to *“Maintain the existing rural environment of the Nisqually planning area with the primary emphasis on preserving its rural, aesthetic character for future generations.”* There was a no-Rap provision of Policy E.5 which states *“the reprocessing of asphalt shall not be allowed due to water quality concerns.”*

There have been previous attempts to amend or revoke the prohibition, but they have failed for good reasons. The Nisqually subarea includes critical aquifer recharge areas (CARAs) and the McAllister Geologically Sensitive Area, which is a CARA. By definition, CARAs are vulnerable to contamination.

Thurston County successfully litigated this provision against Lakeside Industries in 2004.

<https://caselaw.findlaw.com/wa-court-of-appeals/1389372.html> The court noted:

“The proposed asphalt facility would be approximately two miles upwind and upriver from the Nisqually National Wildlife Refuge, home to numerous wildlife species and endangered salmon. The groundwater around the mine site is between four and fifteen feet below the extremely porous surface. The site is also located in the County's aquifer protection district. The County has spent approximately \$2.4 million to purchase development rights in the immediate area adjacent to the proposed facility to prevent environmental damage.”

The site area is close to the Nisqually River, in a 100 year floodplain and close to drinking water sources. Recycled asphalt could potentially leach harmful chemicals threatening water quality and Nisqually River fish stocks. Increased truck traffic would impair the rural character of the area.

To my knowledge there has not been a SEPA determination of this proposal. I understand Lakeside Industries paid for an environmental study, but WAC 197-11-055 states: “the SEPA process shall be integrated with agency activities at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to seek to resolve potential problems.” The Planning Commission should have this information before making any recommendations.

The South Sound Sierra Club Group opposes the removal of the prohibition of the manufacture of recycled asphalt from the Sub Area 5 section of the Comprehensive Plan due to environmental concerns.

Respectfully,

Phyllis Farrell, Chair
South Sound Sierra Club Group

Cc: Maya Teeple

Maya Teeple

From: Madeline Bishop <mbishop.bishop@gmail.com>
Sent: Tuesday, July 14, 2020 6:49 PM
To: Maya Teeple
Subject: RAP

Please accept my testimony opposing allowing a Recycle Asphalt Plant in the Nisqually Sub Area.

1. The lower Nisqually valley is classified by Thurston County as a Wellhead Protection Area. It is also protected, as a rural environment, by a Thurston County Sub-Area Plan.
2. The water sources for all residents in the lower valley are from wells. Many residents, but not all, get drinking water from a Lacey City well next to the Nisqually River - less than a half mile from Lakeside's Asphalt Plant. The plant sits in the permeable soil of Holroyd's Gravel Mine at the very beginning of the Nisqually Delta in lower Nisqually Valley. The mine sits in the 100 year floodplain of the Nisqually River.
3. Lakeside knew RAP was not allowed before they built their new plant at Holroyd's pit. Two court decisions reaffirmed they could not use RAP in Nisqually Valley. Olympic Region Clean Air Agency (ORCAA) reaffirmed they could not, due to Sub-Area Plan rules. The Department of Natural Resources (DNR) and the Sub-Area Plan say they have to move out when the pit is mined out.
4. The pit is mined out and DNR should reclaim it.
5. A section of the pit is over the aquifer and dangerous toxins can damage our water supply.

Madeline Bishop
9529 62nd Ave SE
Olympia, WA 98513

Maya Teeple

From: Esther Grace Kronenberg <wekrone@gmail.com>
Sent: Tuesday, July 14, 2020 6:15 PM
To: Maya Teeple
Subject: CP-11 Recycled Asphalt Policy

Dear Ms. Teeple,
Please include this email as part of the public comments on the above matter.

I write as a private citizen who is also a member of the League of Women Voters of Thurston County's Water Study team. For the past 2 years, we have been learning about and educating the public about water issues in Thurston County through a series of public forums. What has stood out from these meetings is the precariousness of our water resources, both as to the quantity necessary for adequate instream flow to support the aquifers and our salmon, and the water quality, which is deteriorating due to more development, more pollution, more septic systems, more cars, etc.

The 1992 sub-area plan for the Nisqually Valley states as a primary goal to "Maintain the existing rural environment of the Nisqually planning area with the primary emphasis on preserving ... its rural, aesthetic character for future generations." It specifically excludes recycled asphalt processing (RAP) due to water quality concerns for good reasons. The Holroyd site is within 1/2 mile of a Lacey City well, as well as to the Nisqually River, which flooded as recently as 1996. The lower valley is designated a Wellhead Protection Area by the County as well as a rural area that should be protected as such. The bottom of the pit floor is a mere 15-20 feet above the underlying aquifer. RAP is extremely likely to leach chemicals into the aquifer. The Plan's Goal E.5 says: "The reprocessing of imported mineral resources shall not be the primary accessory use," which is what RAP is.

The Holroyd mine has been mined out and needs to be reclaimed under DNR rules and the sub-Area plan. Processing RAP at the site is extremely risky to our water resources that can never be replaced or ameliorated once tainted. It is not a question of if the Nisqually will overflow its banks, but only a matter of when, especially with extreme weather events becoming more frequent.

RAP was a bad idea in 1992 when the Nisqually plan was adopted and the population of Thurston County was about 160,000. Since then, about another 100,000 people live here with all the negative effects that increased development and population inevitably brings - less water for more people, for salmon and wildlife, including threatened species, and **worse water quality, in addition to** the uncertainties of the climate crisis.

If it was a bad idea in 1992, it is an absolutely horrible and crazy idea in 2020. There is nothing that has happened in the last 28 years that makes it safer or more feasible. On the contrary, it's an even more dangerous proposition now. The only beneficiaries are a few employees of one company, which has many other operations around the state that could do the work that is proposed here. The risks and potentially catastrophic consequences of this operation will be inflicted on and borne by all the residents of Thurston County and its wildlife and environment. Why this is even being considered by the County is puzzling and somewhat disconcerting. It should never have been accepted for consideration at all.

The County must stand by the original sub-Area Plan for the Nisqually Area and reject this proposed policy completely and forever.

Thank you for protecting our vital, essential and irreplaceable water resources.

Sincerely,

